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BOOK REVIEWS

LAW AND ITS ADMINISTRATION, by Harlan F. Stone. (New York: Columbia University Press, 1915, pp. viii, 232.)

Lectures on the Hewitt Foundation at Columbia University by Dean Stone of the Law School furnish the substance of this volume. While primarily adapted to the needs of the layman, discussing as they do in untechnical language "the more fundamental notions which underlie our legal system," the lectures should not be without great interest to professional readers. "Law," says Dean Stone, "lies at the very root of civilization itself, for science, art, commerce, the capacity for coöperative effort by communities and peoples which we identify with civilization, have become possible only through the establishment of social order, which in turn makes law possible, and of which law is the necessary concomitant." Nevertheless, although every one is subject to law, we vote on constitutional amendments, and in some states upon statutes, elect judges, and discuss law reform "without any systematic or comprehensive knowledge of the nature of law or its origin."

As it exists in the modern community, law is defined "as the sum total of all those rules of conduct for which there is state sanction," and the first chapter contains an excellent discussion of its nature, functions, sources, and relation to ethics and morals, and the connection between law and justice. Two chapters deal with the fundamental legal conceptions of rights, which are treated according to their nature and according to the persons concerned, and the differences between public and private law, and law and equity.

Especially to be commended is Dean Stone's chapter on "Constitutional Limitations" which gives within a very brief compass a brilliant statement of the American doctrine of judicial review, and analyses the criticism that the courts in determining the constitutionality of legislation under the Fourteenth Amendment, have failed to recognize the principle of "social justice." Other chapters cover procedure, the quality of legal education, character of the judiciary, the problem of codification, and the work of the Commission for Uniform State Laws.

As has already been indicated, Dean Stone's subject matter will not be new to the professional reader, but the treatment is so lucid, so fresh, so sane after the many attacks that have been made on the bench and bar, that the volume will well repay careful reading. It should certainly supplement, if not supplant, some of the texts at present used in elementary law courses, and should serve as an admirable introduction to a more exhaustive study of legal philosophy.

L. R.

HISTORY OF AMERICAN DIPLOMACY, by Carl Russell Fish, Professor of History in the University of Wisconsin. (New York: Henry Holt & Co., 1915, pp. 541.)

As announced in his preface, the purpose of Professor Fish's book is to present a "comprehensive and balanced, though brief, review of

the history of American diplomacy." It is meant not so much as a "contribution to knowledge, but rather as a condensation of ascertained conclusions," and is intended for the use of the student in the classroom and for the edification of the general reader who is interested in the subject but who has not the opportunity to consult the original sources of which the author has made such a careful study.

The author has proved himself in every way equal to the task which he has undertaken. In the first place, his choice of a method of treating the subject was a happy one. When it is reflected that the book is a history of American diplomacy whose chief appeal is to be to the general reader rather than to the careful investigator, it is obvious that the chronological treatment which has been selected has tremendous advantages. It enables the author to present a connected, unified and coherent narrative of our international relations, instead of a complete and exhaustive account of certain topics selected from the whole field. The object of the average reader of the present day—when the people of the country have come to realize their great dependence on the skill of those in charge of our diplomatic relations—is not so much to become familiar with the technical points involved in the important international controversies of the past, as it is to become acquainted with the past achievements of American diplomacy, that he may have a basis for judging its capability to combat successfully the trying problems which now confront the nation.

It is what might be called the narrative feature which is one striking characteristic of the book. Beginning with the birth of American diplomacy, coeval with the birth of the nation, the author traces its history in a highly interesting manner down through the struggles and victories of Franklin and Jay and their associates of the Revolutionary period; through the "golden age" between 1815 and 1829 while our isolation was being achieved; through the following score of years when the interest in foreign affairs was dimmed by the intense interest in internal politics; on to the trying period of the Civil War when diplomacy again responded nobly and rendered a service which was vital to our national existence. Then came the period (1872-1898) which the author tells us was the nadir of our diplomacy, when the country was so immersed in domestic problems of a political and economic nature that foreign affairs received hardly a passing thought. Finally, in 1898, the United States awoke to find itself a world power, with all the responsibilities and opportunities which that term implies, and again diplomacy has proved equal to the tasks imposed upon it and steered the country clear of serious international complications. In the light of the record as disclosed, Professor Fish is well justified in the conclusion that "our diplomacy has, on the whole, served the national needs and purposes exceptionally well."

This brilliant success of American diplomacy the author thinks is largely to be attributed to the quality of continuity, not only a continuity of policy, but a continuity of service on the part of the distinguished diplomats upholding this policy. It is gratifying to see due credit given to such faithful public servants as Hunter, Adee and

Moore, whom we have come to think of as being somewhat above the petty partizanship of political strife.

A very pleasing feature of the book is the friendly and sympathetic attitude of the author toward his subject and the fact that he has treated it from the standpoint of the conservative optimist, though he realizes the faults into which American diplomacy has fallen. His style is strong and his descriptions of men and conditions so clear and clean-cut that they stimulate a lasting interest in the subject. The mechanical make-up of the book is good and not the least valuable feature is the large number of maps, showing the field of our foreign activities at various stages of our development.

The reader of the present day cannot help being particularly struck by the fact that the problem of neutrality has loomed large at so many stages of our national development. As Professor Fish says: "No other nation has been confronted so continually by the problem of neutrality, and for none has it assumed such protean shapes; yet it is impossible to see how we could, with foreknowledge, have improved our handling of it in any large way." It should be the most fervent prayer of every patriotic American that this belief may be repeated with the same note of truth and confidence at the close of the next decade.

J. S. L.